

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

NAU COUNTRY INSURANCE  
COMPANY,

Plaintiff,

v.

FRANK M. WOOD, as the Director  
of the National Appeals Division,  
and ALT'S DAIRY FARM, LLC,

Defendants.

Case No. 1:23-cv-00127

Hon. Janet T. Neff  
U.S. District Court Judge

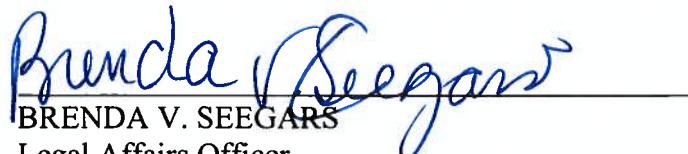
Hon. Ray Kent  
U.S. Magistrate Judge

**DECLARATION OF BRENDA V. SEEGARS**

I, Brenda V. Seegars, make the following declaration:

1. I am employed by the United States Department of Agriculture, National Appeals Division, Office of Hearings and Appeals, as a Legal Affairs Officer. I have held the position for approximately thirteen (13) years. In my current capacity, I compiled the subject Administrative Record.
2. To the best of my knowledge, the attached index and documents referenced therein constitute the true and accurate Administrative Record, appropriate to the allegations of the Complaint filed in the above-captioned matter.
3. Pursuant to 29 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and I would so testify if called upon to do so in a Court of law.

Dated this 13<sup>th</sup> day of June, 2023.

  
BRENDA V. SEEGARS  
Legal Affairs Officer  
USDA National Appeals Division  
Office of Hearings and Appeals



# United States of America

U.S. DEPARTMENT OF AGRICULTURE (USDA)

NATIONAL APPEALS DIVISION (NAD)

OFFICE OF HEARINGS AND APPEALS (OHA)

ALEXANDRIA, VIRGINIA

## ADMINISTRATIVE CASE RECORD FOR NAD Case No. 2022E000108

**In the Matter of Alt's Dairy Farms, LLC; D/B/A Alt's Dairy v. Risk Management Agency**

*[Paginated by consecutive six-digit numbers in the center of the page]*

### BATES NUMBERING PAGE(S)

000001 Record cover

#### **Adverse Decision, Appeal Request, Notices**

000002-000011 Adverse Decision (February 18, 2022)

000012-000013 Authorization for Representation/Release of Information and Declaration of Entry of Appearance by John D. Tallman, for Alt's Dairy Farms, LLC. (March 10, 2022)

000014-000026 Alt's Request for Appeal Hearing (March 11, 2022)

000027-000029 eFile Request Appeal Request (March 14, 2022)

000030-000038 Notice of Appeal and Request for Agency Record (March 14, 2022)

000039-000040 Letter from Sandra L. Jensen, Deputy Regional Director, to NAU Country Insurance Company, re Interested Party (March 15, 2022)

000041-000043 Notice of Prehearing Conference (March 17, 2022)

000044-000045 Email from SM.OHA.ERO. Notices, to John Tallman, Brian Frieden, Josh Engelking, and James Holden, re Remove improper email and add correct email (March 14, 2022)

Alt's Dairy Farms, LLC D/B/A Alt's Dairy – 2022E000108 v. Risk Management Agency  
 Letter from John Tallman, to Honorable James R. Holden, Administrative Judge, re  
 Witness will be those referenced in the Arbitration Award of March 2, 2022  
 (March 30, 2022)

000047-000051 Prehearing Conference Report (April 13, 2022)

000051A Audio of Prehearing Conference (April 12, 2022)

000052-000054 Request for Continuation (May 17, 2022)

000055-000059 Agency Prehearing Brief (May 17, 2022)

000060 Appellant's Witness List (May 17, 2022)

000061-000080 Appellant's Exhibit List (May 17, 2022)

000081-000082 Appellant's Exhibit B (Alt's Dairy Farm's QBE NAU Insurance policy dated February 18, 2015)

000083-000085 Notice of Rescheduled Hearing (May 25, 2022)

000086 Memo from James R. Holden, Administrative Judge, to Duane Sinclair, Eastern Regional Director, re Request for Rescheduling Beyond 75 days (March 10, 2023)

000087 Memo from Duane Sinclair, Eastern Regional Director, to James R. Holden, Administrative Judge, re Authorized Administrative Judge to Reschedule Beyond 75 days (May 25, 2022)

000088-000089 Hearing Attendance Sheet (June 14, 2022)

000089A-000089B Audio of Hearing (June 14, 2022)

000090-000092 Appellant's Post Hearing Brief (June 27, 2022)

000093-000142 Appellant Post Hearing Brief Exhibit 1 – 7

000143-000211 Interested Party Post Hearing Brief (July 14, 2022)

000212-000215 Agency Post Hearing Brief (July 14, 2022)

0000216 Appellant Rebuttal Letter (July 15, 2022)

### **Agency Documents**

000217- 001439 Risk Management Agency Record

### **Appeal Determination**

001440-001452 Appeal Determination (August 12, 2022)

Alt's Dairy Farms, LLC D/B/A Alt's Dairy – 2022E000108 v. Risk Management Agency

### Request for Director Review

001453-001460	Agency Request for Director Review (September 2, 2022)
001461-001462	Notice of Request for Director Review (September 6, 2022)
001463-001466	Appellant's Response to Agency Request for Director Review (September 8, 2022)
001467-001471	Request for Director Review by Interested Party NAU Country Insurance Company (September 12, 2022)
001472-001481	Letter and Director Review Determination (October 28, 2022)
001482-001485	Agency Request for Reconsideration of Director Review (November 7, 2022)
001486-001490	Memorandum in Support of the Agency's Request for Reconsideration of Director's Review (November 11, 2022)
001491-001496	Appellant's Response to Agency's Request for Reconsideration of Director Review (November 23, 2022)
001497-001502	Director's Response to Request for Reconsideration (January 3, 2023)

I hereby certify that the attached documents, including copies of all filings submitted by the parties, all letters of acknowledgment and filings sent to the parties by the Department of Agriculture ("USDA"), and all Administrative Judge and Director Decisions issued to the parties by the USDA, are true and accurate copies of the documents contained in NAD's case record respecting the above-referenced case. I declare under penalty of perjury that the foregoing is true and correct. The attached documents may contain information that is subject to withholding from disclosure under 5 U.S.C. § 552 and 7 U.S.C. § 8791.

  
*Brenda V. Seegars*  
Brenda V. Seegars, Legal Affairs Officer  
National Appeals Division  
Office of Hearings and Appeals

Date: June 13, 2023